

AUG 24 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

FRANCISCO RINCONES AYALA,

Defendant - Appellant.

No. 05-30472

D.C. No. CR-03-05659-FDB

MEMORANDUM^{*}

Appeal from the United States District Court
for the Western District of Washington
Franklin D. Burgess, District Judge, Presiding

Submitted August 21, 2006^{**}

Before: GOODWIN, REINHARDT and BEA, Circuit Judges.

Francisco Rincones Ayala appeals from the 120-month sentence imposed following his guilty plea conviction for conspiracy to distribute methamphetamine and being an alien in possession of a firearm.

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Because appellant's contention regarding ineffective assistance of counsel is inappropriate for resolution on direct appeal, we decline to review it. *See United States v. Ross*, 206 F.3d 896, 900 (9th Cir. 2000).

We enforce the appeal waiver provision contained in appellant's plea agreement and dismiss his remaining contention. *See United States v. Jeronimo*, 398 F.3d 1149, 1153 (9th Cir.) (stating that the court enforces knowing and voluntary waivers of appeal that encompass the grounds raised), *cert. denied*, 126 S. Ct. 198 (2005); *see also United States v. Cardenas*, 405 F.3d 1046, 1048 (9th Cir. 2005) (holding that the changes in sentencing law imposed by *United States v. Booker*, 543 U.S. 220 (2005), did not render waiver of appeal involuntary and unknowing).

DISMISSED.